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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/156,886 09/18/98 MUSSIG

B BEIERSDORF-5

EXAMINER

IM22/0521

SPRUNG KRAMER SCHAEFER & BRISCOE
660 WHITE PLAINS ROAD
4TH FLOOR
TARRYTOWN NY 10591-5144

GALLAGHER, J

ART UNIT

PAPER NUMBER

1733

DATE MAILED:

05/21/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.
09/156886

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 37-55 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 37-55 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Other FOREIGN REFERENCE COPIES (2)

Office Action Summary

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1. Applicant's Preliminary Amendment, filed 07 March 2001, has been received and made of record.

2. The disclosure is objected to because of the following informalities: Page 19 line 1 - change "Patent Claims" to "I Claim" or equivalent, as per MPEP § 608.01(m).

Appropriate correction is required.

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 37-50 and 53-54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either Wendler et al. or Matsui et al., each in view of either Davis or Lipman.

Wendler et al. (Abstract, column 3 lines 46-52 and 66-75, column 4 lines 8-14) and Matsui et al. (Fig. 1, Abstract, column 1 lines 7-10 and 32-34, column 2 lines 52-65, column 4 lines 19-20) both disclose that it is known to protect an (e.g. painted) vehicle body via the application/adherence thereto of a protective film composed of a plastic base material coated with a suitable (e.g. olefin/hydrocarbon based) adhesive.

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Davis (column 1 lines 11-39 and 52-64, column 4 lines 14-21) and Lipman (Abstract, column 1 lines 50-52, N.B. column 2 lines 19-20, column 4 lines 7-18) both disclose adhesive (i.e. PSA) compositions composed of terpolymers derived from at least two olefin monomers and a dienic/diolefin monomer, which adhesives may be applied to various (e.g. polyolefin) backing/substrate materials, such that it would have been obvious to one of ordinary skill in this art to employ the adhesives of either of the two secondary references in the process of either of the two primary references, in place of the corresponding, analogous adhesives employed therein; mere substitution of one known (e.g. olefin/hydrocarbon) adhesive for another involved.

5. Claims 51-52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either Wendler et al. or Matsui et al., each in view of Davis or Lipman, and each further in view of the Japanese Dobashi reference.

Dobashi discloses similar to the two primary references, and further that it is known to employ a primer layer between the (olefin/hydrocarbon) adhesive and backing layers of the protective film (English Translation Abstract), such that it would have been obvious to one of ordinary skill in this art to employ such a conventional, documented (and beneficial) priming technique in conjunction with the processes of either of the primary references (as further modified by the remaining

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secondary references), wherever deemed desirable and/or necessary; mere use of a known technique involved.

6. Claim 55 is rejected under 35 U.S.C. § 103(a) as being unpatentable over either Wendler et al. or Matsui et al. each in view of either Davis or Lipman, and each further in view of the Japanese Toppan reference.

The Toppan reference discloses that it is known to form a composite PSA film via the co-extrusion of its component layers (English Translation Abstract), such that it would have been obvious to one of ordinary skill in this art to employ such a conventional, documented formation technique in/in conjunction with the processes of either of the two primary references (as further modified by the remaining secondary references), wherever deemed desirable and/or necessary; mere utilization of a known technique involved.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.

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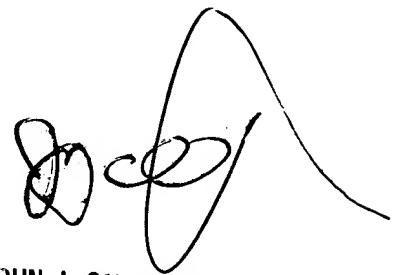
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be reached on (703) 308-2058. The fax phone number for this Group is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661/0662.


JJGallagher:cdc

May 7, 2001


JOHN J. GALLAGHER
PRIMARY EXAMINER
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